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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	09/728,073
Filing Date	12/04/2000
First Named Inventor	Hennum, Erik
Art Unit	2179
Examiner Name	Chuong, Truc T.
Attorney Docket Number	SVL920010533US1

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Holland + Knight LLP		
Signature	<i>Michael J. Buchenhorner</i>		
Printed name	Michael J. Buchenhorner		
Date	November 2, 2005	Reg. No.	33,162

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Signature	<i>Michael J. Buchenhorner</i>		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hennum, Erik **Attorney Docket No.:** SVL920010533US1
Serial No.: 09/728,073 **Group Art No.:** 2179
Filed: December 4, 2000 **Examiner:** Chuong, Truc T.
Invention: Web-Based Instruction

**CONCISE EXPLANATION OF RELEVANCE OF
NON-ENGLISH LANGUAGE INFORMATION**

The Japanese language references cited in the enclosed Information Disclosure Statement were cited by the Japanese Patent Office in support of a rejection of the Japanese counterpart of the above-captioned patent application. An English abstract of the references is attached hereto. A translation of the Japanese Office Action is also attached to establish the relevance of the references.

Respectfully submitted,

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Michael J. Buchenhorner Nov. 2, 2005
Michael J. Buchenhorner

Application No.: JP2001-545284

Ground of Rejection: Section 29 Preamble, Section 29 (2),
Section 36, and Section 37 of Japanese Patent Law

The present application should be rejected acknowledged hereunder. The applicant may file an argument to the present Office Action when the applicant has matters for the argument.

GROUND

1. The present application does not fulfill the requirement prescribed in Section 37 of Japanese Patent Law.

NOTES

A main part of the invention provided in claim 1, that is the novel matter for accessing problems to be solved by the invention, should be regarded as the construction provided by the language "the step of explaining a source file of a predetermined application, ..., presenting other comments", and therefore, the main part should be regarded different from main parts of the invention of claims 29-45. Hence, the particular invention and the inventions claimed in claim 29-45 has different main parts each other so that these inventions could not satisfy the relationship prescribed in Section 37 (ii) of Japanese Patent Law.

In addition, a problem to be solved by the inventions, that is the problem left unsolved prior to the period of the filing of the invention and is different from popular problems, should be regarded to be different from the problem to be solved by the inventions of claims 29-45, since the main parts are clearly different from each other. Therefore, the particular invention and the inventions claimed in claims 29-45 should access to the different problems to be solved by the inventions so that these inventions could not have the relationship

prescribed in Section 37 (i) of Japanese Patent Law.

Furthermore, the particular invention and the inventions of claims 29-45 should not have any relationship prescribed in Section 37 (iii), (iv), and (v) of Japanese Patent Law. Thence, the present application should not satisfy any requirement prescribed in Section 37 of Japanese Patent Law, and the inventions other than claims 1-28 were not examined except for the ground of Section 37.

2. In the present application, the description of detailed explanation of invention should not satisfy the requirement prescribed in Section 36 (4) prescribed in Japanese Patent Law with respect to the points acknowledged hereunder.

NOTES

(1) In Figs. 3-12, 14-30, 32-42, 46-58, the English descriptions (including English words and referring the same hereunder) are provided and then, the construction of the invention can not understand. Translate the English sentences into Japanese. In the translation, reserved words in program are not required to be translated; however, comments in the program are English sentences shall be translated into Japanese.

(2) There are some relations with the above note, there are English sentences about the figures in the specification and such English sentences shall be translated.

(3) Particular constructions of each steps relating to the invention of claims 1-28 are not described in the column of detailed description of invention. That is, almost of the descriptions are consumed by the descriptions for window displays other than the description for particular constructions and/or running embodiments of the computer about the inventions of claim 1-28 (refer to ISSUED EXAMPLE 4 provided in ISSUES of Decision Examples for Business Related Inventions; http://www.jpo.go.jp/tetuzuki/t_tokkyo/bijinesu/

biz_pat_case.htm).

Thence, the detailed description of invention of the present application should not explain the inventions of claim 1-28 clearly and sufficiently such that a person skilled in the art may practice the above inventions.

3. In the present application, the description of claims should not satisfy the requirement prescribed in Section 36 (6)(ii) prescribed in Japanese Patent Law with respect to the points acknowledged hereunder.

NOTES

(1) Responsible main elements in each steps provided in claim 1-28 are unclear. It should be requested to explicitly describe that the responsible main elements do not include human beings. It is noted that when the responsible main elements include human beings, claimed inventions shall violate Section 29 (1) preamble of Japanese Patent Law.

(2) In claims 1-28, the steps of providing information are described; however, it is unclear that such information is obtained from anywhere.

(3) In claim 1, there is provided the language "Web base environment", such environment is unclear. If a Web server and a browser are used, provide explicitly such elements in claims.

(4) The language "comment link" provided in claim 1 is unclear, because technical features referred by the language are unclear.

(5) In claim 1, the language "a link in comments" is provided, however, the relation between the language "keyword link" and the language "comment link" is unclear.

(6) In claim 1, the language "another comment for explaining other source file in a predetermined application" is provided, it is unclear the language "another" or "other" is different from what items. The same acknowledgements shall be applied to claims 4-6.

(7) In claim 9, the language "said predetermined application being executed on a second browse window". The language "application being executed on a second browse window" is technically unclear. There is the same description in claim 15.

(8) In claim 14, there is the language "returning a page of hyper text mark-up language including Java Script"; however, it is unclear from/to where the page is returned and the technical meanings thereof are unclear.

(9) In claim 18, there is provided the language "automatically generating comment pages explaining a source code file of a predetermined application" and also in claim 25, there is provided the language "generating a local index including the link leading to the Web pages comprising comment pages about the application"; however, it is unclear how the generation is executed and what information is provided such generation.

Thence, the inventions of claims 1-28 are unclear.

4. The items of claims acknowledged hereunder should not satisfy the requirement prescribed in Section 29 (1) preamble of Japanese Patent Law such that the inventions should be rejected.

NOTES

Processes of claims 1-28 are abstractly and functionally described and particular means or execution methods of an information processing apparatus for causing the processes of the steps are not described (for example, the process of providing is described merely by using only the fact for providing information.). Hence, it can not be regarded that a specific information processing apparatus and an execution method depending on the above steps are constructed by the cooperative actions between the software for the above processing and a hardware resource so that the items described in these claims are not particularly realized by the hardware

resource based on the information processing with the software. In addition, the items of these claims do not particular controls or processes associated with the control for apparatus etc. nor do not execute particular information processing based on physical properties or technical properties.

Therefore, the items described in these claims could not classified into the "invention" prescribed in Section 29 (1) preamble of Japanese Patent Law, which is defined in Section 2 (1) *ibid.* using the language "creation of a technical idea utilizing a law of nature" (with respect to the above acknowledgement, refer to Patent Utility Model Examination Standard PART 7, Section 1, "Computer and Software Relation Invention", §2.2).

In addition, there should be acknowledged grounds described below:

The items described in claims 1 and 16 include only specific aspects relating the information to be provided so that the items is regarded mere provision of information.

Therefore, the items described in these claims could not classified into the "invention" prescribed in Section 29 (1) preamble of Japanese Patent Law, which is defined in Section 2 (1) *ibid.* using the language "creation of a technical idea utilizing a law of nature" (with respect to the above acknowledgement, refer to Patent Utility Model Examination Standard PART 2, Section 1, "Industrial Applicable Invention", §1.1 (5) (b)) and ISSUED EXAMPLE 4 provided in ISSUES of Decision Examples for Business Related Inventions; (http://www.jpo.go.jp/tetuzuki/t_tokkyo/bijinesu/biz_pat_case.htm).

5. The invention relating to the following claims of the present application should not be granted in accordance with the provisions of Section 29(2) of Japanese Patent Law because a person having a normal knowledge in a technical field which this invention belongs to could invent easily the same prior

to the present application on the basis of inventions described in the publications distributed in Japan or in foreign countries mentioned below or inventions available for the public through telecommunications circuits prior to the present application.

NOTES(Refer to Reference List for References etc.)

- * claims 1-28
- * references 1, 2
- * Remarks

In Reference 1 and 2, the help function of Windows, which is an HTML help including links (corresponding Web base environment in the present application), is described.

In addition, the technical item how creates the display content for the help function is a mere item selected by a person skilled in the art on his needs.

Other constructions except for claim 1 are also mere items selected by a person skilled in the art on his needs.

Where another grounds for rejection will be found, another office action will be issued.

Excerpts translations of Ref. A, Ref. B and Ref. bgA indicated in Information Materials for IDS.

Ref. A

In Windows 98, a HELP is created in a form of HTML and thus users operate a Help in one window, having a feeling like looking at a homepage (See Fig. 2).

Fig. 2 Pleasant operation with a HTML help ~ Help for Windows 98

Keyword: [HTML HELP] A help which is created in a form of HTML (Hyper Text Markup Language), and is used for creating a home page.

Ref. B

A body of Help in Windows 98 is a file stored in a "Help" folder in a boot disk, and has a file extension, ".chm". The CHM file is in a form of "a compiled HTML file", based on a HTML (Hyper Text Markup Language) file, and allows us to setup a background and a link as in a homepage of an internet.

Ref. bgA

A Help system using a HTML language, called a HTML file, is used in Windows 98.
(omitted)

RoboHELP OFFICE has a bundled software, "RoboHELP HTML Edition 7.0", having 12 kinds of tools which are necessary for creating a HTML help used in Windows 98.

(omitted)

A HTML help is a help system adopted in Windows 98, and a function available in HTML is utilized as a help system. Using RoboHELP HTML Edition, a HTML file can be created in a WYSIWYG view.

End